

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JODDIE C. GILBERTSON,

Case No. 09-CV-1824 (PJS/AJB)

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security

ORDER REGARDING PLAINTIFF'S
OBJECTION TO REPORT AND
RECOMMENDATION

Defendant.

Mac Schneider, SCHNEIDER, SCHNEIDER & SCHNEIDER, and Joel M. Fremstad,
JOEL M. FREMSTAD, PC, for plaintiff.

Lonnie F. Bryan, UNITED STATES ATTORNEY'S OFFICE, for defendant.

This matter is before the Court on the objection of plaintiff Joddie C. Gilbertson to the September 20, 2010 Report and Recommendation ("R&R") of Magistrate Judge Arthur J. Boylan. Judge Boylan recommends denying Gilbertson's motion for summary judgment and granting defendant Michael J. Astrue's motion for summary judgment. The Court has reviewed de novo those portions of the R&R to which Gilbertson has objected, as required by 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). The Court OVERRULES Gilbertson's objection [Docket No. 33] and ADOPTS Judge Boylan's R&R [Docket No. 31], except insofar as the R&R suggests that the case be remanded for further proceedings, pursuant to sentence four of 42 U.S.C. § 405(g). Because the Court agrees with Judge Boylan that the Administrative Law Judge's finding of nondisability was supported by substantial evidence on the record as a whole, no further proceedings are necessary.

Based on the foregoing and on all of the files, records, and proceedings herein, IT IS
HEREBY ORDERED THAT:

1. Plaintiff's motion for summary judgment [Docket No. 24] is DENIED;
2. Defendant's motion for summary judgment [Docket No. 27] is GRANTED; and
3. This case is DISMISSED WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 1, 2011

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge